



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5337

Introduced 2/5/2010, by Rep. Karen May

SYNOPSIS AS INTRODUCED:

210 ILCS 45/3-305

from Ch. 111 1/2, par. 4153-305

Amends the Nursing Home Care Act. Provides that a licensed nursing facility that commits a violation which creates a condition or occurrence relating to the operation and maintenance of the facility presenting a substantial probability that death or serious mental or physical harm to a resident will result therefrom, will be automatically issued a fine of \$10.00 (rather than \$5.00) per resident in the facility plus 50 (rather than 20) cents per resident for each day of the violation, or a fine of not less than \$10,000 (rather than \$5,000), or when death, serious mental or physical harm, permanent disability, or disfigurement results, a fine of not less than \$20,000 (rather than \$10,000). Effective July 1, 2010.

LRB096 19360 KTG 34751 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Nursing Home Care Act is amended by changing
5 Section 3-305 as follows:

6 (210 ILCS 45/3-305) (from Ch. 111 1/2, par. 4153-305)

7 Sec. 3-305. The license of a facility which is in violation
8 of this Act or any rule adopted thereunder may be subject to
9 the penalties or fines levied by the Department as specified in
10 this Section.

11 (1) Unless a greater penalty or fine is allowed under
12 subsection (3), a licensee who commits a Type "A" violation as
13 defined in Section 1-129 is automatically issued a conditional
14 license for a period of 6 months to coincide with an acceptable
15 plan of correction and assessed a fine computed at a rate of
16 \$10.00 ~~\$5.00~~ per resident in the facility plus 50 ~~20~~ cents per
17 resident for each day of the violation, commencing on the date
18 a notice of the violation is served under Section 3-301 and
19 ending on the date the violation is corrected, or a fine of not
20 less than \$10,000 ~~\$5,000~~, or when death, serious mental or
21 physical harm, permanent disability, or disfigurement results,
22 a fine of not less than \$20,000 ~~\$10,000~~, whichever is greater.

23 (2) A licensee who commits a Type "B" violation or who is

1 issued an administrative warning for a violation of Sections
2 3-401 through 3-413 or the rules promulgated thereunder is
3 subject to a penalty computed at a rate of \$3 per resident in
4 the facility, plus 15 cents per resident for each day of the
5 violation, commencing on the date a notice of the violation is
6 served under Section 3-301 and ending on the date the violation
7 is corrected, or a fine not less than \$500, whichever is
8 greater. Such fine shall be assessed on the date of notice of
9 the violation and shall be suspended for violations that
10 continue after such date upon completion of a plan of
11 correction in accordance with Section 3-308 in relation to the
12 assessment of fines and correction. Failure to correct such
13 violation within the time period approved under a plan of
14 correction shall result in a fine and conditional license as
15 provided under subsection (5).

16 (3) A licensee who commits a Type "A" violation as defined
17 in Section 1-129 which continues beyond the time specified in
18 paragraph (a) of Section 3-303 which is cited as a repeat
19 violation shall have its license revoked and shall be assessed
20 a fine of 3 times the fine computed per resident per day under
21 subsection (1).

22 (4) A licensee who fails to satisfactorily comply with an
23 accepted plan of correction for a Type "B" violation or an
24 administrative warning issued pursuant to Sections 3-401
25 through 3-413 or the rules promulgated thereunder shall be
26 automatically issued a conditional license for a period of not

1 less than 6 months. A second or subsequent acceptable plan of
2 correction shall be filed. A fine shall be assessed in
3 accordance with subsection (2) when cited for the repeat
4 violation. This fine shall be computed for all days of the
5 violation, including the duration of the first plan of
6 correction compliance time.

7 (5) For the purpose of computing a penalty under
8 subsections (2) through (4), the number of residents per day
9 shall be based on the average number of residents in the
10 facility during the 30 days preceding the discovery of the
11 violation.

12 (6) When the Department finds that a provision of Article
13 II has been violated with regard to a particular resident, the
14 Department shall issue an order requiring the facility to
15 reimburse the resident for injuries incurred, or \$100,
16 whichever is greater. In the case of a violation involving any
17 action other than theft of money belonging to a resident,
18 reimbursement shall be ordered only if a provision of Article
19 II has been violated with regard to that or any other resident
20 of the facility within the 2 years immediately preceding the
21 violation in question.

22 (7) For purposes of assessing fines under this Section, a
23 repeat violation shall be a violation which has been cited
24 during one inspection of the facility for which an accepted
25 plan of correction was not complied with. A repeat violation
26 shall not be a new citation of the same rule, unless the

1 licensee is not substantially addressing the issue routinely
2 throughout the facility.

3 (Source: P.A. 86-407; 87-549; 87-1056.)

4 Section 99. Effective date. This Act takes effect July 1,
5 2010.